



Agenda Item Number: \_\_\_\_\_

## BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

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**Meeting Date:** January 22, 2008

**Department:** Zoning, Building & Planning **Staff Contact:** Enrico Gradi, Program Planner

**TITLE:** APPEAL: Denial of a Special Use Permit for Specific Uses for Restaurant with Full Service Liquor License, Theater, and C-1 Uses and a Special Use Permit for a Planned Development Area (CO-80002/CSU-70022).

### COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial of a Special Use Permit

### SUMMARY:

At the November 7, 2007 public hearing, the County Planning Commission(CPC) voted (5-1; McMahan opposed) to recommend denial of a request for a Special Use Permit for Specific Uses for Restaurant with Full Service Liquor License, Theater, and C-1 Uses and a Special Use Permit for a Planned Development Area, on Tract 3A2, Lands of Lamonica and Wenk, located at 8840 Lamonica Road SW, located on the eastside of Coors Boulevard approximately 1,000 feet south of Rio Bravo Boulevard, zoned A-1, and containing approximately 79.09 acre.

The decision was based on the finding that the applicant had not demonstrated that the request was not consistent with the Southwest Area Plan. The CPC founded that the request conflicted with Resolution 116-86 in that Southwest Area Plan Policy 31 calls for a Community Activity Center area of 15-60 acres including both existing adjacent and contributing uses included within the area at the intersection of Coors Boulevard and Rio Bravo Boulevard/Lamonica Road. The intersection currently contains approximately 30 acres of commercial uses and this request exceeds the total specified area which remains for the Community Activity Center.

The applicants appeal maintains that the CPC's finding for denial is inaccurate and the proposed use is consistant with the Albuquerque/Bernalillo County Comprehensive Plan. The applicants interpretation of the Albuquerque/Bernalillo County Comprehensive Plan allows for the current proposed size of development for the site (Attachment 1).

The criteria for considering zone map changes and special use permit applications require that the applicant demonstrate that the existing zoning is inappropriate because (1) there was an error when the existing zone map pattern was created or (2) changed neighborhood or community conditions justify the land use change or (3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other land use plan adopted by the Board of County Commissioners even though (1) or (2) do not apply.

**ATTACHMENTS:**

1. Appeal Application (November 27, 2007).
2. County Planning Commission Notification of Decision Letter (November 13, 2007).
3. County Planning Commission Information Packet.
4. Letters of Community Opposition for January 22, 2008 Hearing
5. Southwest Area Plan Policies 31 and 63
6. County Planning Commission Minutes
7. Site Plan (Commissioners Only)

**STAFF ANALYSIS SUMMARY****ZONING, BUILDING & PLANNING DEPARTMENT**

Staff recommends denial of the appeal.